

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 29079 of 2003(J)

PETITIONER:

DR.G.P.C. NAIR, ALPHIYA NAGAR,
COCHIN UNIVERSITY ROAD, SOUTH KALAMASSERY,
KOCHI.

BY ADV. SRI.N.HARIHARAN
SRI.MATHEW SEBASTIAN
SMT.BAGYASREE NAMBRON

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY, LABOUR AND REHABILITATION (A)
DEPARTMENT.
 2. M.S. IBRAHIMKUTTY, XVIII/356,
MANAKKATTU HOUSE, NJALAMKARA,
H.M.T. COLONY. P.O., KALAMASSERY-683 503.
 3. THE LABOUR COURT, ERNAKULAM.
 4. THE LABOUR COMMISSIONER,
THIRUVANANTHAPURAM.
 5. THE OFFICIAL LIQUIDATOR, HIGH COURT
OF KERALA, CARMEL BUILDINGS,
BANERJI ROAD, KOCHI-18.
 6. THE DEPUTY TAHASILDAR (R.R)
TALUK OFFICE, KANAYANNUR.
 7. THE VILLAGE OFFCER, THRIKKAKARA NORTH
VILLAGE, THRIKKAKARA.

BY ADV. SRI.P.K.IBRAHIM – FOR R2
SRI.K.MONI – FOR R5
ADV. SMT. SMITHA SUKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE LETTER DATED 02/12/1999.

P2 : COPY OF THE LETTER DATED 15/12/99 FROM THE CHAIRMAN AND THE
MANAGING DIRECTOR EXPRESS MALAYALAM DAILY.

P3 : COPY OF AWARD AS PUBLISHED IN KERALA GAZETTE DATED 27/08/2002.

P4 : COPY OF THE JUDGEMNT IN O.P.NO. 5886/2003 DATED 20/02/2003.

P5 : COPY OF THE SHOW CAUSE NOTICE DATED 27/03/2003.

P6 : COPY OF THE JUDGMENT DATED 22/05/2003 IN C.P. NO. 25/94 IN
C.P.4/2000 AS REPORTED IN KERALA LAW TIMES.

P7 : COPY OF THE LETTER DATED 08/07/2003.

P8 : COPY OF THE NOTICE DATED 06/09/2003.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 29079 of 2003

Dated, this the 23rd day of November, 2007

J U D G M E N T

This writ petition is filed challenging Ext.P3 award passed by the Labour Court in favour of 2nd respondent awarding a substantial amount of Rs.1,12,076/- in his favour towards wages and other amount payable by the management of M/s. The Express (Malayalam) Pvt. Ltd., a company in liquidation. Even though, this writ petition is filed by the then Managing Director, it is clear from Ext.P3 that the award is against the company, which is now in liquidation. Adv. Shri.K.Moni, Official Liquidator submits that the company hardly has any asset and disbursement of assets will be made in liquidation proceedings under company court orders. It is not known whether 2nd respondent has made claim as a creditor based on the award. The Official Liquidator should have ranked the 2nd respondent among the creditors because he is a creditor in the original petition filed in the year 2003. In the circumstances, this original petition is disposed of directing the 5th respondent to rank the 2nd respondent as a creditor and proceed to disburse all the assets in accordance with the orders of the company court. I am

sure, Official Liquidator will consider the priority claim available to 2nd respondent.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg